

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
9/5 Chittenden La., 410 ft. SE of c/l Garrison Forest Rd.
202' S of Chittenden Lane
5 Chittenden Lane
3rd Election District
3rd Councilmanic District
Legal Owner: Estate of George Burgwin III
Contract Purchaser:
Maxine V. Hoen, Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-86-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 6.5 ft. in lieu of the required 35 ft. to permit the addition of a garage to the residence known as 5 Chittenden Lane, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioner, (Contract Purchaser) having filed a Petition for Residential Variance and the subject property having been posted and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner (Contract Purchaser) has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of OCT., 1991 that the Petition for a Zoning Variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 6.5 ft. in lieu of the required 35 ft. to permit the addition of a garage to the residence known as 5 Chittenden Lane, in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner shall not allow or cause the attached structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

3. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

ORDER RECEIVED FOR FILING
DATE: 10/1/91
BY: [Signature]

LES:mmn

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

-2-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

October 4, 1991

Ms. Maxine V. Hoen
10 Chittenden Lane
Owings Mills, Maryland 21117

RE: Petition for Residential Zoning Variance
Case No. 92-86-A

Dear Ms. Hoen:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmn
encl.
cc: Peoples Counsel

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

92-86-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 10 Chittenden Lane, Owings Mills, MD 21117 (Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)
There is no other improved building on the property.
A garage is to be added to the rear of the residence.
The garage will be used for storage only.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a protesting and advertising fee and may be required to provide additional information.

Affiant (Handwritten Signature)
Affiant (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10th day of October, 1991, before me, a Notary Public in the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

DATE

My Commission Expires: 10/1/92

ZONING DESCRIPTION

Beginning at a point which is S 20° 14' 30" E 202.05 ft. from the south side of Chittenden Lane which is 30' wide at the distance of 410.27 ft. southeast of the centerline of the nearest improved intersecting street (Garrison Forest Road). As recorded in Deed at Liber E.H.K., Jr. No. 6093, folio 68. Metes and bounds description (based on Location Survey dated July 25, 1989 attached hereto): N 84° 35' 40" E 165.50 ft., S 21° 48' 30" E 152.45 ft., S 63° 56' 30" E 170.42 ft., and N 20° 14' 30" W 167.13 ft. to the place of beginning. Also known as 5 Chittenden Lane and located in the 3rd Election District.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3 Date of Posting: September 13, 1991
Posted for: Residential Variance
Petitioner: Estate of George Burgwin III
Location of property: 5 Chittenden Lane, Owings Mills, MD 21117
Location of Signs: 10 Chittenden Lane, Owings Mills, MD 21117
Remarks:
Posted by: [Signature] Date of return: September 26, 1991
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date: 8/27/91
Account: R-001-6150
Number: H9200104
PUBLIC HEARING FEES
010 - ZONING VARIANCE (IAL) 1 X \$35.00
020 - POSTING SIGNS / ADVERTISING 1 X \$25.00
TOTAL: \$60.00
LAST NAME OF OWNER: BURGWIN, III

Cashier Validation

Please Make Checks Payable To: Baltimore County

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date: 9/15/91
Account: R-001-6150
Number: 135
ADMIN VAR. APPLICATION
POSTING FEE
TOTAL: 125
135
260

ORDER RECEIVED FOR FILING
Date: 9/15/91
By: [Signature]

2000#005741000
EA 0311255A08-26-91 \$40.00
Please Make Checks Payable To: Baltimore County

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 6.5 ft. in lieu of the required 35 ft. to permit the addition of a garage to the residence known as 5 Chittenden Lane, in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner shall not allow or cause the attached structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

3. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

Contract Purchaser: Maxine V. Hoen, 10 Chittenden Lane, Owings Mills, MD 21117
Legal Owner(s): Estate of George Burgwin III, 5 Chittenden Lane, Owings Mills, MD 21117
Signature: [Signature]
Address: 10 Chittenden Lane, Owings Mills, MD 21117
City/State/Zip Code: 21117
Name, address and phone number of legal owner, co-owner, purchaser or representative to be contacted: [Signature]
Address: 5 Chittenden Lane, Owings Mills, MD 21117
City/State/Zip Code: 21117
Name, address and phone number of attorney: [Signature]
Address: 10 Chittenden Lane, Owings Mills, MD 21117
City/State/Zip Code: 21117

ORDERED by the Zoning Commissioner of Baltimore County, this 10th day of October, 1991, that the subject matter of this petition be posted on the property on or before the 10th day of October, 1991.

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 10th day of October, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation published in Baltimore County, that the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 100, County Office Building in Towson, Baltimore County.

REVIEWED BY: DATE:

111 West Chesapeake Avenue
Towson, MD 21204

September 9, 1991

Maxine V. Hoen
10 Chittenden Lane
Owings Mills, Maryland 21117

Re: CASE NUMBER: 92-86-A
LOCATION: 5/5 Chittenden Lane, 410' SE of c/l Garrison Forest Road
202' S of Chittenden Lane on a private drive
5 Chittenden Lane

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before September 15, 1991. The closing date is September 30, 1991. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. G. Stephens
(301) 887-3391

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

141 West Chesapeake Avenue
Towson, MD 21204

887 4454

October 3, 1991

Ms. Maxine V. Hoen
10 Chittenden Lane
Owings Mills, MD 21117

RE: Item No. 104, Case No. 92-86-A
Petitioner: Maxine V. Hoen
Petition for Residential Variance

Dear Ms. Hoen:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw
Enclosures

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

141 West Chesapeake Avenue
Towson, MD 21204

887 4454

Your petition has been received and accepted for filing this 31st day of August, 1991.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

Petitioner: Maxine V. Hoen, et ux
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 13, 1991
Zoning Administration and
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: HELBLING Property, Item No. 53
Smith Property, Item No. 64
McClure Property, Item No. 65
Boehnlein Property, Item No. 66
Marx Property, Item No. 68
Buie Property, Item No. 69
Pulaski Property, Item No. 70
Wollschlaeger Property, Item No. 72
Bray Property, Item No. 74
Graves Property, Item No. 75
Sylvia Property, Item No. 76
Long Property, Item No. 78
Pearl Property, Item No. 79
Casey Property, Item No. 80
Edwards Property, Item No. 81
Tyson Property, Item No. 85
Skidmore Property, Item No. 88
Williams Property, Item No. 89
Restivo Property, Item No. 90
Didier Property, Item No. 97
Wesolowski Property, Item No. 102
Griffin Property, Item No. 103
Burgwin Property, Item No. 104 92-86-A
Ghent Property, Item No. 110
Lingg Property, Item No. 111
Bates Property, Item No. 112
Bond Property, Item No. 115

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn
ITEM47/TXTROZ

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

September 11, 1991

TO: Arnold Jablon, Director
Zoning Administration and Development Management

FROM: DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Item #104, Zoning Advisory Committee Meeting of September 10, 1991, Legal Owner: Estate of George C. Burgwin, III, S/S Chittenden Lane, 410' SE of centerline Garrison Forest Road, 202' S of Chittenden Lane on a private drive (#5 Chittenden Lane), D-3, Private Water and Sewer

COMMENTS ARE AS FOLLOWS:

Any permanent building structure must be a minimum of 20 feet from the septic system and 30 feet from the water well.

SSF:rmp
104ZNG/GWRMP

RECEIVED
SEP 12 1991
ZONING OFFICE

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5901

(410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: ESTATE OF GEORGE C. BURGWIN, III
Location: SE CHITTENDEN LANE
Item No.: 104 Zoning Agenda: SEPTEMBER 10, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The building and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 303 "Life Safety Code", 1988 edition prior to occupancy.

Noted and
Approved
Planning Group
Special Inspection Division

JP/EEB

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 24, 1991
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for September 10, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 81, 102, 103, 104, 110, 111, 112, 114, and 115. Also, we have no comments for Case No. B-91-119.

For Item 106, comments will be made at the County Review Group meeting.

For Item 109, the County Review Group comments remain in effect.

For Item 109, comments will be reserved until the County Review Group meeting.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:c

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: October 9, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: September 10, 1991

There are no comments for item numbers 81, 102, 103, 104, 109, 110, 111, 112 and 115.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

OBER, KALER, GRIMES & SHRIVER
ATTORNEYS AT LAW
120 EAST BALTIMORE STREET
BALTIMORE, MARYLAND 21202-1643
(301) 685-1120
FACSIMILE (301) 647-0699
CABLE "SHRIVER"
TELEX 8-7774

OFFICES IN
WASHINGTON, D.C.
NEW YORK
NEW JERSEY

#104

July 24, 1991

Henry C. Flood, Jr., Esquire
Trust Department
Pittsburgh National Bank
One Oliver Plaza, 28th Floor
Pittsburgh, Pennsylvania 15265

RE: Estate of George C. Burgwin, III

Dear Mr. Flood:

The contract purchaser, Maxine V. Hoen, of Mr. Burgwin's mother's house known as 5 Chittenden advises me of their desire to obtain a residential variance so that they may add a garage to the residence.

I have known Mr. and Mrs. Hoen for 20 years and know them to be persons of integrity and impeccable character. You will note that as contract buyers the Hoen's agree to pay the expenses of the variance posting and advertising, etc. No expense at all in connection with this petition is to be borne by the seller but Baltimore County, needless to say, needs the permission and application of the legal owner of the property in order to consider the matter of a variance. Mr. and Mrs. Hoen have requested that a hearing be scheduled at the end of July. If it is at all possible, would you be kind enough to review the enclosed petition, and if you approve, sign as legal owner in the lower left hand corner and return to me. Thank very much.

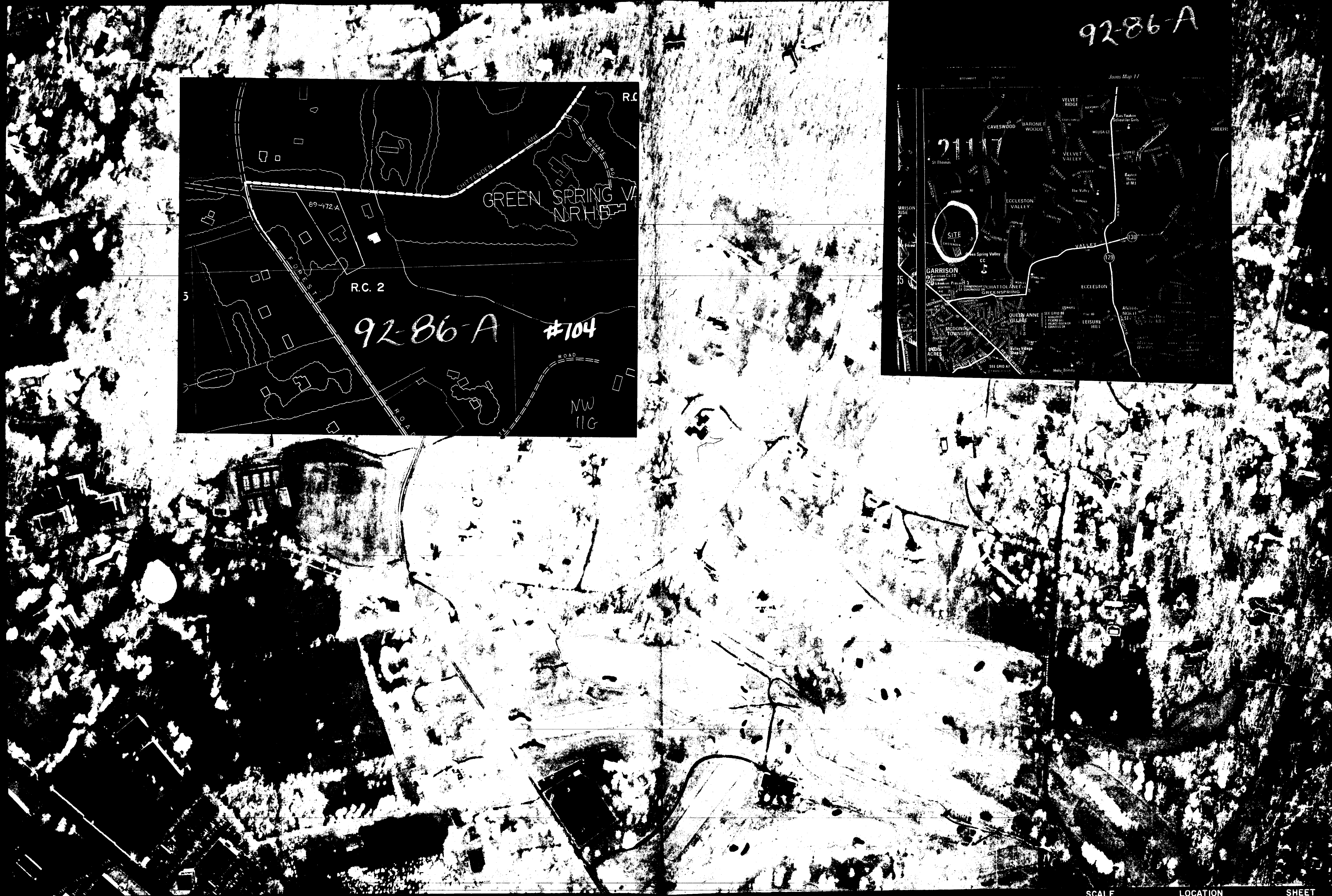
Sincerely,

Thomas D. Washburne

Enclosure
cc: Maxine V. Hoen, Vice President
Private Banking
Sovran Bank/Maryland
Towson Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204-5325

Maxine
Note 1 got zone
stuff last night 7/30 6 days
Alley !!!

88061



#104
92-86-A

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE
1" = 200' ±

LOCATION
CHATTOLANEE

SHEET
N.W.
11-G

DATE
OF
PHOTOGRAPHY
JANUARY
1986

M. L. ROFF, INC.